

Remarks:

Applicant respectfully requests reconsideration of the final Office action dated September 20, 2005 in view of the foregoing amendments and the following remarks.

Prior to entry of the present amendment, claims 1-8, 10-14, 16-28 and 30-56 remained pending in the application. Claims 5-7, 11, 16, 19-22 and 39 and 49-51 have been withdrawn from consideration pursuant to an earlier restriction/election requirement.

Claims 1-4, 8, 10, 12-14, 17-18, 23-28, 30-31, 33 and 52 are objected to because of perceived informalities in the phrase "at least on transducer in the transducer array is configured to attach to a sample material." The Examiner indicates that this language gives the impression that "the sample is smaller than the piezoelectric crystal (or transducer)," which the Examiner contends is inconsistent with the specification. Applicant disagrees, asserting that the cited language gives no connotation of size, and that neither the specification or claim should be read as restrictively as the Examiner proposes.

Nevertheless, in the interest of furthering prosecution on the merits, claims 1, 17 and 33 have been amended in accordance with the Examiner's suggestion to recite a "transducer array is configured to have a sample material attached thereto." Applicant thus understands that the objection to claims 1-4, 8, 10, 12-14, 17-18, 23-28, 30-31, 33 and 52 is overcome.

Claims 53-55 have been allowed, and claims 13, 27, 31, 37-38 and 52 have been indicated allowable if rewritten in independent form to include the base claim and any intervening claims. By this amendment, applicant has amended claim 52 to

Page 19 - AMENDMENT
Serial No. 10/632,290
HP Docket No. 200206025-1
KH Docket No. HPCC 379

place such claim in independent form, thus placing claim 52 in allowable form. Claims 13, 27, 31 and 37-38 depend from independent claims 1, 17 and 34, which claims are allowable for the reasons set forth below.

Claim 56 stands rejected under 35 U.S.C. §102 as being anticipated by Harrison, Jr. et al. (US 5,119,342). Although applicant respectfully traverse the rejection, in the interest of furthering prosecution of the remaining claims, claim 56 is cancelled without prejudice. The rejection under 35 U.S.C. §102 thus is rendered moot.

Claims 1-3, 12, 14, 17, 28, 30, 33-35, 40, 42, 45, 46, 48 and 56 stand rejected under 35 U.S.C. §103(a) based on Harrison, Jr. et al. in view of Talish et al. (US 2004/0064051 A1). Claims 1, 3, 8, 10, 12, 14, 17, 23, 25, 28, 30, 33-36, 40, 42, 45, 47 and 48 stand rejected under 35 U.S.C. §103(a) based on linima et al. (US 4,253,338) in view of Talish et al. Claim 24 stands rejected under 35 U.S.C. §103(a) based on linima et al. in view of Talish et al., and further in view of Harrison, Jr. et al. Claims 4, 18, 26, 41 and 43-44 stand rejected under 35 U.S.C. §103(a) based on linima et al. in view of Talish et al., and further in view of Robinson et al. (US 6,419,633 B1).

Applicant submits herewith a Declaration Under §1.131, which demonstrates applicant's conception and diligent reduction to practice from a time prior to the effective date of Talish et al. Talish et al. thus is not available as prior art, and the rejections under 35 U.S.C. §103(a) must be withdrawn. Claims 1-4, 12, 14, 17, 18, 23-26, 28, 30, 33-35 and 40-48 are thus in allowable form. Claims 13, 27, 31 and 37-38 depend from independent claims 1, 17 and 34, and thus also are in allowable form. Furthermore, inasmuch as withdrawn claims 5-7, 11, 16, 19-22 and 39 and 49-

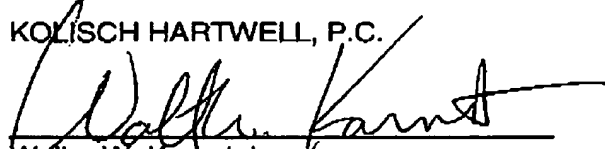
Page 20 - AMENDMENT
Serial No. 10/632,290
HP Docket No. 200206025-1
KH Docket No. HPCC 379

51 all depend from the aforementioned allowable claims, such claims should be reinstated, and indicated allowable for at least the same reasons as the claims from which they depend.

Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

KOLISCH HARTWELL, P.C.


Walter W. Karnstein

Registration No. 35,565

520 S.W. Yamhill Street, Suite 200

Portland, Oregon 97204

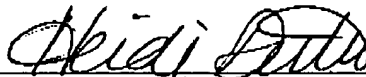
Telephone: (503) 224-6655

Facsimile: (503) 295-6679

Attorney for Applicant

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner R. Miller, Group Art Unit 2856, Assistant Commissioner for Patents, at facsimile number (571) 273-8300 on November 23, 2005.



Heidi Dutro

Page 21 - AMENDMENT
Serial No. 10/632,290
HP Docket No. 200206025-1
KH Docket No. HPCC 379